

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
NAVID AFSHAR
3 Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
4 Las Vegas, Nevada 89101
(702) 388-6577/Phone
5 (702) 388-6261/Fax
Navid_Afshar@fd.org

6 Attorney for Leviathan Michael Woodley

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 LEVIATHAN MICHAEL WOODLEY,

14 Defendant.
15

Case No. 2:21-mj-00950-DJA

ORDER TO CONTINUE
BENCH TRIAL
(Second Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and Between Jason M. Frierson,
18 United States Attorney, and Angelica Marmorstein, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and Navid
20 Afshar, Assistant Federal Public Defender, counsel for Leviathan Michael Woodley, that the
21 bench trial currently scheduled on September 7, 2022, be vacated and continued to a date and
time convenient to the Court, but no sooner than thirty (30) days.

22 This Stipulation is entered into for the following reasons:

- 23 1. Counsel for the defendant needs additional time to conduct investigation in this
24 case.
25 2. The defendant is not incarcerated and does not object to the continuance.
26

1 3. Additionally, denial of this request for continuance could result in a
2 miscarriage of justice. The additional time requested by this Stipulation is excludable in
3 computing the time within which the trial herein must commence pursuant to the Speedy Trial
4 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
5 18, United States Code § 3161(h)(7)(B)(iv).

6 This is the second request for a continuance of the bench trial.

7 DATED this 31st day of August, 2022.

8
9 RENE L. VALLADARES
10 Federal Public Defender

JASON M. FRIERSON
United States Attorney

11 By /s/ Navid Afshar

12 NAVID AFSHAR
13 Assistant Federal Public Defender

By /s/ Angelica Marmorstein

ANGELICA MARMORSTEIN
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEVIATHAN MICHAEL WOODLEY,

Defendant.

Case No. 2:21-mj-00950-DJA

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case.

2. The defendant is not incarcerated and does not object to the continuance.

3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the second request for a continuance of the bench trial.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, September 7, 2022, at 9:00 a.m., be vacated and continued to November 23, 2022, at 9:00 a.m., Courtroom 3A.

DATED this ^{1st} ____ day of September, 2022.



DANIEL J. ALBREGTS
U.S. Magistrate Judge